

Accessible premises and disability discrimination

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Responding to legal change is rarely straightforward; it absorbs management time and operating budget. For employers, amendments to labour legislation often have a significant impact, even in the most healthy economic circumstances.

Planning and adjusting to the impact of COVID-19 has undoubtedly impacted many business in the Channel Islands. Recovery will take time.

However, an amendment to the Discrimination (Jersey) Law 2013 came into force on 1 September 2020 and businesses in Jersey will need to react.

Jersey's discrimination legislation has been extended so that businesses, service providers and those managing and letting premises are required to take reasonable steps to avoid disadvantaging people with disabilities in relation to the accessibility of their premises.

A number of different measures can be taken to avoid substantial disadvantage. These can include removing a physical feature, altering it or providing a reasonable means of avoiding it. Physical features of premises include the design and construction of buildings, entrances and exits, fixtures, fittings and furnishings.

For example, adjustments that property managers and landlords might consider for existing and prospective tenants include widening doorways, access ramps or the installation of a stairlift.

This law change is for the benefit of employees, customers, clients and tenants. But it also means that your business or premises will be more accessible to the thousands of people in Jersey who have a disability, increasing the number of people who can use your services.

While business and service providers are likely to still be facing challenges relating to COVID-19, there are positive actions that can reasonably be taken.

An access audit could be a helpful first step to improving accessibility which can provide the

basis for planning your access improvements. An initial review of your premises could even be undertaken virtually.

An access audit will identify current accessibility and areas that you could improve, as well as advising on facilities management (such as use of lighting and signage). Jersey businesses and service providers should prepare a list of what is practically achievable and then prioritise the positive changes that you can make now that the law is in force.

In Guernsey, proposals were published in March 2020 that would make it unlawful for employers and service providers to discriminate on the grounds of disability. An 'in force' date for the law has not been announced but it is anticipated to be 2022.

Ogier's Channel Island Employment Team will talk more about disability discrimination and accessible premises in an online event later this month (September 2020). If you would be interested in joining, please get in touch with one of the team.

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